



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Director General

Grange, SANTE.F.3

Alice Bernard
ClientEarth AISBL
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Ixelles, 1050, Belgium

By email with acknowledgment of receipt:
ask+request-11869-ca91d59f@asktheeu.org

Subject: Your application for access to documents (EASE 2022-5529)

Dear Ms Bernard,

We refer to your request for access to European Commission documents registered on 29 September 2022 under the above-mentioned reference number:

In accordance with Article 6(1) of Regulation (EC) No 1049/2001, Article 3 of Regulation (EC) No 1367/2006, and Article 42 of the Charter of Fundamental Rights, ClientEarth AISBL and Global 2000 (Friends of the Earth Austria) hereby request access to any documents containing pesticide sales data per active substance from 2011 to 2020, aggregated at EU level, that have been relied on by the European Commission to calculate the “harmonised risk indicators 1”, measuring the use and risk of pesticides under Commission Directive (EU) 2019/782, in application of Directive 2009/128/EC (accessible at: https://food.ec.europa.eu/plants/pesticides/sustainable-use-pesticides/harmonised-risk-indicators/trends-eu_en#fig1).

Considering that DG Eurostat may also hold documents that fall under the scope of the present request, we kindly request that DG Health and Food Safety inquires DG Eurostat about the present request for access to documents as provided by Article 15(1) of Regulation 1049/2001, according to which EU institutions have the obligation to ensure a good administrative practice in facilitating the exercise of the right of access to documents.

We regret to inform you that the DG Health and Food Safety does not hold any documents that would correspond to the description given in your application¹.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

¹ Please note that this reply relates only to the documents held by Directorate-General for Health and Food Safety. You will receive the reply from DG ESTAT (EEASE 2022/5566) in due course.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal² account (available only for initial requests submitted via the portal account),

or by mail:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

Sandra Gallina

Director-General

² <https://www.ec.europa.eu/transparency/documents-request>